

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In Re: Tammy L. Henry)	
)	Case No.: <u>11-14274-BFK</u>
Debtor.)	Chapter 7
)	
Michael F. Thomson)	
)	
Plaintiff,)	
)	
v.)	AP No. <u>11-01530-BFK</u>
)	
Tammy L. Henry)	
)	
Defendant.)	
)	

MOTION TO DETERMINE ATTORNEY'S FEES AND COSTS

Michael F. Thomson, by counsel, files this MOTION TO DETERMINE ATTORNEY'S FEES AND COSTS, and in support thereof, states as follows:

1. Ms. Henry, the Defendant, filed for bankruptcy protection under Chapter 7 of the Bankruptcy Code on June 8, 2011.
2. Mr. Thomson filed this Adversary Proceeding for an Order declaring certain obligations nondischargeable on September 15, 2011.
3. A trial was held on September 13, 2012 ("Trial") in which both parties called witnesses, presented exhibits, and argument.
4. At Trial, the Court ruled in favor of the Plaintiff holding that debts and obligations incurred in the course of the Parties divorce, as set forth in the Marital Settlement Agreement, are nondischargeable pursuant to 11 U.S.C. § 523(a)(15).
5. At Trial, the Court ordered that the Defendant be responsible for the Plaintiff's attorney's fees.

6. The Attorney's and Paralegal staff who worked on this matter charged the following rates:

<u>Individual</u>	<u>Hourly Rate</u>	<u>Hours Spent</u>	<u>Total Fee</u>
NDB	\$225.00/hr	86.6	\$18,994.50
EMD	\$120.00/hr	6.8	\$816.00

7. The foregoing rate represents a reduced hourly rate from the attorney's normal billing rate.

8. The Plaintiff submits that the attorney's fees and costs, as reflected in the attached Attorney's Fees Affidavit, attached as Exhibit 1 and incorporated herein by reference, in the total amount of \$20,079.50 are reasonable and necessary for the successful prosecution of this Adversary Proceeding.

9. Exhibit A to the Attorney's Fees Affidavit sets forth the hourly billing records of the Plaintiff's firm and is incorporated herein by reference.

10. In an effort to reduce the attorney's fees spent in this action, the Plaintiff did not waste any time or money conducting needless discovery nor take any depositions in this matter.

WHEREFORE, the Plaintiff, Michael F. Thomson, requests that the Court enter an Order granting:

- a. the Defendant attorney's fees in the amount of \$19,810.50, and costs in the amount of \$269.00, for a total award of attorney's fees and costs of **\$20,079.50.**
- b. Any further such relief as this Court deems necessary.

Respectfully,

Michael F. Thomson

By: /s/ Nathan D. Baney, Esq.
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CERTIFICATE OF SERVICE

I hereby certify that on September 23, 2012, I caused the foregoing Motion to Determine Attorney's Fees and Costs to be served by the Court CM/ECF system on the following:

Scott Alan Weible
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Gainesville, Virginia 20155
Counsel for Defendant

/s/ Nathan D. Baney